

ORDINANCE NO. 16-1012

AN ORDINANCE AMENDING SECTION 12.16.020 OF THE OREGON CITY MUNICIPAL CODE TO BAN THE USE OF TOBACCO IN PUBLIC PARKS WITHIN OREGON CITY PARKS

WHEREAS, the City of Oregon City owns and operates many parks in the City and regulates the activities that occur in the parks; and to promote healthy lifestyles; and

WHEREAS, the City wishes to promote healthy lifestyles and to protect the public health, safety, welfare by reducing unwanted and unwelcome exposure to tobacco products, including second-hand smoke; and

WHEREAS, the Surgeon General has stated that tobacco use in general and second-hand smoke in particular is a health hazard; and we do not want their smoking to annoy, inconvenience or discomfort any other person; and

WHEREAS, the City wishes to prevent the annoyance, inconvenience or discomfort of the citizens of Oregon City who wish to recreate or otherwise use the City's park with the unhealthy habits associated with tobacco use.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Section 12.16.20 of the Oregon City Municipal Code shall be amended as follows (new text shown as underlined).

12.16.020 - Regulations.

A. It is unlawful for any person to:

1. Be in any public park between the hours of ten p.m. and five a.m., except vehicular or pedestrian traffic utilizing public streets, persons attending events sanctioned by the city, persons acting under special permit issued by the city, persons staying at approved campsites in a public park or licensed fishermen going directly to or from fishing activities;
2. Litter any public park or deposit any litter, garbage, trash or other rubbish in receptacles in public parks except such as is generated incidental to use of the park;
3. Build a fire in a public park except in a stove or fireplace provided for this purpose, leave a fire unattended or fail to extinguish a fire when leaving the area;
4. Operate or park a motor vehicle in a public park except on roads or designated parking areas;
5. While in a public park, hunt, pursue, trap, kill or disturb any animal or bird or its habitat;
6. Sell any goods or services in a public park without permission of the city;
7. Erect any signs, markers or written notices without permission of the city;

8. Utilize or permit any person to utilize wading pools in a public park except during the months of June, July and August and then only when the wading pools are unlocked and posted as open;

9. Engage in, sponsor or conduct: fighting, boxing, wrestling, or similar forms of mutual combat in a public park, provided however, that boxing and wrestling matches and exhibitions that are regulated and licensed by the Oregon State Boxing and Wrestling Commission; or boxing and wrestling conducted by organizations identified in ORS 463.210 as exempt from the licensing and bonding provisions of ORS Chapter 463, may be held in public parks upon the approval of the city manager. The manager may impose such conditions upon such events, and require such financial security in connection therewith, so as to assure that such events are conducted in a safe manner and consistent with the use of parks by the public;

10. Ride or operate a skateboard on any brickwork, or ornamental surface, picnic table, tennis court, fountain area, wading pool, planter, or sculpture located in a public park or cemetery.

11. Use tobacco in any public park. To “use tobacco” shall mean the possession of any lighted pipe, lighted cigar, the use of an electronic cigarette or a similar device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, any tobacco or cannabis product, or any other weed or plant capable of being smoked. In addition, to “use tobacco” shall mean to ingest or place within the mouth or nose any type of tobacco product, including chewing tobacco, snus, snuff or dip.

Read for the first time at a regular meeting of the City Commission held on the 19th day of October, 2016, and the City Commission finally enacted the foregoing ordinance this 2nd day of November, 2016.

DAN HOLLADAY, Mayor

Attested to this 2nd day of November 2016,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney